THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27917 OF 2005

DATED:29.12.2005

Between:

Smt.Yaramala Krishnaveni

…Petitioner

And

The District Collector,

Khammam, Khammam District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27917 OF 2005

ORDER:

The petitioner is in occupation of small extent of land in S.No.3 of Brahmanapalli Village, Wyra Mandal, Khammam District, where she allegedly residing with her children by constructing a house bearing H.No.5-216. She alleges that even though the higher authorities directed the second respondent to regularize her possession, the same was not done. But, the second respondent initiated action under A.P. Land Encroachment Act, 1905 (for short, the Act), issued notice under Section 7, and after obtaining explanation dt.6.9.2005 from the petitioner passed orders on 17.12.2005 directing eviction of the petitioners from the encroachment of Government land in S.No.3 of Brahmanapalli Village. In the impugned order, the second respondent held that the petitioner is not eligible for grant of house-site patta, that encroachment

by her is objectionable and that it is not possible to regularize the occupation as per Rules in force.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

It is strenuously contended that as the petitioner's property submerged in Wyra Irrigation Project, the petitioner with her family migrated to Brahmanapalli and raised a house on the Government land, which was directed to be regularized in 1983, in vain. Therefore, the occupation by the petitioner cannot be any objectionable and she is entitled for regularization of the occupation. This is refuted by the learned Assistant Government Pleader, who submits that the petitioner has effective alternative remedy by way of appeal to Revenue Divisional Officer under Section 10 of the Act. This is not denied by learned counsel for the petitioner. As there is effective remedy under Statute, this Court is not inclined to entertain the Writ Petition especially when the Mandal Revenue Officer issued a notice and passed orders under Section 6 of the Act.

Therefore, without expressing any opinion on the right of the petitioner to seek regularization, the Writ Petition is dismissed giving liberty to the petitioner to file appeal before the Revenue Divisional Officer, Khammam, within a period of ten days from the date of receipt of a copy of this order. As and when such appeal is filed, the Revenue Divisional Officer shall forthwith pass orders on the application for stay that may be filed by the petitioner.

The Writ Petition with the above observations and directions is accordingly dismissed.

(V.V.S.RAO, J)

29.12.2005

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Note:Issue CC by 2.1.2006.

(B.O)

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